

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ROBBIN JAMES,

Plaintiff,

vs.

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,

Defendant.<sup>1</sup>

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CIVIL NO. 16-cv-1139-JPG-CJP

**MEMORANDUM AND ORDER**

Before the Court is the parties' Stipulation for Remand for Further Proceedings. (Doc. 22). The parties agree that this case should be remanded to the Acting Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. See, *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Schaefer v. Shalala*, 509 U.S. 292, 302-303 (1993).

The parties agree that, upon remand, "an administrative law judge (ALJ) will proceed through the sequential disability evaluation process as appropriate. If necessary, the ALJ will obtain further vocational expert testimony. The ALJ will then issue a new decision in this case."

The Court notes that plaintiff applied for disability benefits in January 2013, more than four years ago. (Tr. 11). While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

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<sup>1</sup> Nancy A. Berryhill is now the Acting Commissioner of Social Security. See, *Casey v. Berryhill*, \_\_ F3d \_\_, 2017 WL 398309 (7th Cir. Jan. 30, 2017). She is automatically substituted as defendant in this case. See Fed. R. Civ. P. 25(d); 42 U.S.C. §405(g).

For good cause shown, the parties' Stipulation for Remand for Further Proceedings (**Doc. 22**) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Robbin James' application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence **four** of 42 U.S.C. §405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

**IT IS SO ORDERED.**

**DATED:** 4/24/2017

s/J. Phil Gilbert  
**J. PHIL GILBERT**  
**U.S. DISTRICT JUDGE**